

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

THIS DOCUMENT RELATES TO
ALL OPT OUT ACTIONS

Hon. Anita B. Brody

STIPULATION AND [PROPOSED] ORDER

This Stipulation and Agreement, dated November 10, 2017, is made and entered into by and among the National Football League, NFL Properties LLC, (the "NFL Parties"), and Lead Counsel on Behalf of Opt Out Plaintiffs,¹ (collectively, the "Parties").

WHEREAS, on April 12, 2017, this Court issued an Order (ECF No. 7477) (the "April Scheduling Order") setting forth the schedule and terms for initial motion practice in MDL No. 2323;

WHEREAS, on July 18, 2017, this Court issued a scheduling order (ECF No. 8030) providing dates certain for the initial motion practice set forth in the April Scheduling Order;

WHEREAS, on September 25, 2017, the NFL Parties filed two motions to dismiss the Second Amended Complaint;

WHEREAS, under the scheduling order, the Opt Out Plaintiffs' oppositions to the motions to dismiss the Second Amended Complaint are due on or before November 24, 2017;

WHEREAS, the Parties have agreed to an extension of time for Opt Out Plaintiffs' Opposition to the motions filed by the NFL Parties;

¹ For the purposes of this Order only, "Opt Out Plaintiffs" shall include only non-Settlement Class Member plaintiffs with pending claims in MDL 2323.

AND NOW, this 10th day of November 2017, it is hereby stipulated and agreed by the Parties that:

- (i) Lead Counsel for Opt Out Plaintiffs may file opposition briefs to the NFL Parties' motions to dismiss the Second Amended Complaint on or before January 19, 2018. Each opposition brief shall not exceed fifty (50) pages. In addition, to the extent that the NFL Parties' motions address any claims unique to a given Opt Out Plaintiff's Short Form Complaint, Counsel for such Opt Out Plaintiff(s) (including the Seau Family plaintiffs) may file a supplemental brief not to exceed ten (10) pages that opposes that argument on or before January 19, 2018. This paragraph shall not affect the page limit extension granted for the Seau Family plaintiffs.
- (ii) The NFL Parties may file reply briefs in further support of their motions to dismiss on or before March 21, 2018. Each reply brief shall not exceed forty (40) pages. The NFL Parties reserve the right to request an extension of these page limits, or the right to file separate, additional reply briefs, based on the volume of supplemental briefs filed by individual Opt Out Plaintiffs, including any supplemental brief filed by the Seau Family, pursuant to (i) above.

It is so STIPULATED AND AGREED,

By: /s/ Wendy R. Fleishman

Date: 11/10/17

Wendy R. Fleishman
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By: /s/ Brad S. Karp

Date: 11/10/17

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Lead Counsel on Behalf of Opt Out Plaintiffs Counsel for the NFL Parties

It is so **ORDERED**, based on the above Stipulation, that:

- (i) Lead Counsel for Opt Out Plaintiffs may file opposition briefs to the NFL Parties' motions to dismiss the Second Amended Complaint on or before January 19, 2018. Each opposition brief shall not exceed fifty (50) pages. In addition, to the extent that the NFL Parties' motions address any claims unique to a given Opt Out Plaintiff's Short Form Complaint, Counsel for such Opt Out Plaintiff(s) (including the Seau Family plaintiffs) may file a supplemental brief not to exceed ten (10) pages that opposes that argument on or before January 19, 2018. This paragraph shall not affect the page limit extension granted for the Seau Family plaintiffs.
- (ii) The NFL Parties may file reply briefs in further support of their motions to dismiss on or before March 21, 2018. Each reply brief shall not exceed forty (40) pages. The NFL Parties reserve the right to request an extension of these page limits, or the right to file separate, additional reply briefs, based on the

volume of supplemental briefs filed by individual Opt Out Plaintiffs, including any supplemental brief filed by the Seau Family, pursuant to (i) above.

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to:

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 10th day of November, 2017, upon all counsel of record.

Dated: November 10, 2017

/s/ Wendy R. Fleishman